

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CIV S-04-0868 DFL PAN (JFM)

DOUGLAS WAYNE PERRY,

Plaintiff,

ORDER

v.

PAUL ZUPAN et al.,

Defendants.

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On March 17, 2006, the District Judge adopted this court's November 10, 2005 findings and recommendations and denied the motion for summary judgment filed April 7, 2005 by Paul and Suzie Zupan in this patent infringement case.

On April 14, 2006, Paul and Suzie Zupan, who proceed in pro se, filed a second motion for summary judgment and set the matter for hearing on May 18, 2006. Defendants' second motion raises the same issues presented in their first motion and was filed in response to the temporary reassignment of this case to another Magistrate Judge. Since this court has already addressed the substantive issues presented by defendants' motion, the matter is

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VACATED from this court's May 18, 2006 calendar and defendants' motion filed April 14, 2006 is DENIED as moot.

A scheduling order has yet to be issued in this case. The "joint" status report filed March 17, 2005 by plaintiff and defendant Latitude Financial, Inc., did not include the participation of defendants Paul and Suzie Zupan and was filed prior to this court's resolution of the Zupan's motion for summary judgment. A new status report is required.

Accordingly, plaintiff is hereby directed to prepare, in cooperation with *all* defendants, a joint status report setting forth the following matters, and SHALL FILE SUCH REPORT WITHIN THIRTY (30) DAYS OF SERVICE OF THIS ORDER:

- (a) Jurisdiction and venue;
- (b) Anticipated motions;
- (c) Anticipated discovery and disclosure of expert witnesses;
- (d) Future proceedings, including setting appropriate deadlines for discovery, motions, and scheduling the pretrial conference and trial;
- (e) Estimate of length of trial;
- (f) Modification of standard pretrial procedures specified by the rules due to the relative simplicity or complexity of the action or proceedings;
- (g) Whether the case is related to any other case, including any matter in bankruptcy;
- (h) Whether a settlement conference should be scheduled;
- (I) Any other matters that may add to the just and expeditious disposition of this matter.

Parties appearing without counsel are advised that even though the court will construe their pleadings liberally, the court requires them to comply with all procedural rules

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governing this action. Failure to obey the federal rules of procedure and local rules and orders of this court, may result in dismissal of this action.

DATED: May 3, 2006.


UNITED STATES MAGISTRATE JUDGE

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